

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

INDYMAC BANK, F.S.B)	
a Federal Savings Bank,)	
)	
Plaintiff,)	07 C 6224
)	
vs.)	Honorable Judge Ronald A. Guzman
)	
GANESAN VISVABHARATHY,)	
an individual and HAWTHORNE)	
ORLANDO CORPORATION, a Florida)	
corporation,)	
)	
Defendants)	

**AMENDED MOTION FOR DEFAULT
AGAINST HAWTHORNE ORLANDO CORPORATION**

Plaintiff, INDYMAC BANK, F.S.B. ("Plaintiff"), by and through its attorneys, Levenfeld Pearlstein, LLC, hereby files this Amended Motion for Default against Defendant HAWTHORNE ORLANDO CORPORATION ("HOC") for its failure to appear or file an answer or responsive pleading. In support thereof, Plaintiff states as follows:

1. On January 15, 2008, Plaintiff appeared before the Court on a Motion for Default against Defendant HOC, at which time the Court indicated it had insufficient information regarding service of Summons and Complaint on HOC.¹ A copy of Plaintiff's Motion for Default is attached hereto as Exhibit 1. Plaintiff hereby files this Amended Motion to supplement information previously provided to the Court.

¹ At that time, Plaintiff also requested entry of default against co-Defendant Ganesan Visvabharathy ("Visvabharathy"). Separate proceedings for default against Visvabharathy are also currently pending before the Court.

2. On November 2, 2007, Plaintiff filed its Complaint for breach of guaranty (the "Complaint"). A copy of the Complaint is incorporated as Exhibit "A" of Plaintiff's Motion for Default. *See Exhibit 1.*

3. On November 9, 2007, HOC was served Summons and Complaint. A copy of the Affidavit of Service is attached hereto as Exhibit 2. The Special Process Server served Summons and Complaint on Ms. Jenny Pontrelli of HOC. The Special Process Server did so after being directed by HOC employees to Ms. Pontrelli as the appropriate person to accept service, and after Ms. Pontrelli stated that she was authorized to accept service and agreed to accept service.

4. On November 19, 2007, HOC was also served Summons and Complaint through its registered agent Corporation Service Company ("CSC") in Tallahassee, Florida. The Special Process Server served Summons and Complaint on Gwen Butler of CSC who confirmed that CSC was the registered agent for HOC, that she was authorized to accept service, and she agreed to accept service. A copy of the Affidavit of Service is attached hereto as Exhibit 3.

5. HOC's Answer to Plaintiffs' Complaint was due on November 29, 2007, based on service effected directly on HOC, and on December 10, 2007, based on service effected on HOC's registered agent.

6. As of February 14, 2008, HOC has filed neither an appearance nor an answer. A copy of Plaintiff's Attorney's Affidavit of Defaulted Party – Hawthorne Orlando Corporation, is attached hereto as Exhibit 4.

WHEREFORE, Plaintiff, INDYMAC BANK, F.S.B., respectfully requests this Court enter an Order;

- A) Defaulting Defendant Hawthorne Orlando Corporation for its failure to appear or file Answer or responsive pleading;
- B) Setting a hearing date for prove-up of damages;
- C) Granting such further relief as this Court deems just and appropriate.

Respectfully submitted,

INDYMAC BANK, F.S.B.

By: /s/ James G. Martignon
One of Its Attorneys

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CERTIFICATE OF SERVICE

I hereby certify that on February 14, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and I hereby certify that I have served by courier, and have mailed by United States Postal Service, the document to the following:

Ganesan Visvabharathy
7529 Ridgewood Lane
Burr Ridge, IL 60527

Hawthorne Orlando Corporation
c/o Any Officer or Director Authorized
to Accept Service
101 Burr Ridge Parkway, Ste. 306
Burr Ridge, IL 60527

/s/ James G. Martignon

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